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Attorneys for Defendant

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TONY HERRINGTON,

Plaintiff,

v.

MARTIN O'MALLEY,
Commissioner of Social Security,¹

Defendant.

Case No.: 2:23-cv-02046-NJK

**UNOPPOSED MOTION FOR
EXTENSION OF TIME TO FILE
CERTIFIED ADMINISTRATIVE
RECORD
(FIRST REQUEST)**

Defendant, Martin O'Malley, Commissioner of Social Security (the "Commissioner"), by and through her undersigned attorneys, hereby moves for a 32-day extension of time to file the Certified Administrative Record (CAR) to Plaintiff's Complaint. The CAR to Plaintiff's Complaint is due to be

¹ Martin O'Malley became the Commissioner of Social Security on December 20, 2023. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Martin O'Malley should be substituted for Kilolo Kijakazi as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

1 filed by February 9, 2024. This is Defendant's first request for an extension of time. Defendant
2 requests this extension because Defendant has been notified that the CAR is not yet available in this
3 case and that additional time is needed to prepare it. Defendant therefore cannot respond to Plaintiff's
4 Complaint. Once the CAR arrives, Defendant will need to review it for defects before submitting it.

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6 For these reasons, Defendant requests an extension in which to respond to the Complaint until
7 March 13, 2024.

8 On January 31, 2024, the undersigned conferred with Plaintiff's counsel, who has no opposition
9 to the requested extension.

10 It is therefore respectfully requested that Defendant be granted an extension of time to file the
11 CAR to Plaintiff's Complaint, through and including March 13, 2024.

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13 Dated: February 1, 2024

Respectfully submitted,

14 JASON M. FRIERSON
15 United States Attorney

16 /s/ Franco L. Becia
17 FRANCO L. BECIA
18 Special Assistant United States Attorney

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20 IT IS SO ORDERED:

21 
22 UNITED STATES MAGISTRATE JUDGE

23 DATED: February 2, 2024
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